

MISSOURI COURT OF APPEALS WESTERN DISTRICT

RYAN A. SILVEY,

Appellant,

v.

**J. RANEN BECHTHOLD; CLAY COUNTY BOARD OF ELECTION
COMMISSIONERS,**

Respondents.

DOCKET NUMBER WD80042

Date: September 20, 2016

Appeal from:
Clay County Circuit Court
The Honorable Janet L. Sutton, Judge

Appellate Judges:
Special Division: Victor C. Howard, Presiding Judge, James E. Welsh and Lisa White
Hardwick, Judges

Attorneys:
Robert R. Harding, Lowell D. Pearson, Jefferson City for appellant.
Jason A. Davey, Liberty; Steven B. Salomon, Gladstone and Jon M. Krebbs, Kansas
City for respondents.

MISSOURI APPELLATE COURT OPINION SUMMARY

COURT OF APPEALS -- WESTERN DISTRICT

RYAN A. SILVEY

Appellant,

v.

**J. RANEN BECHTHOLD; CLAY COUNTY BOARD OF ELECTION
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Clay County

Before Special Division: Victor C. Howard, Presiding Judge, James E. Welsh and Lisa White Hardwick, Judges

Ryan A. Silvey appeals the judgment denying his petition to challenge the qualifications of J. Ranen Bechthold to run for the position of state senator in Missouri Senate District 17. Silvey contends the circuit court had no authority to extend the deadline for Bechthold to file an answer to Silvey's election contest petition and that Bechthold's failure to file an answer within the statutory time required a default judgment or judgment on the pleadings in Silvey's favor.

AFFIRMED.

Special Division holds:

The circuit court did not err in allowing Bechthold to file his answer out of time, and it did not err in denying Silvey's motion for default judgment or judgment on the pleadings. The plain language of the election contest statutes at issue indicates that a contestee's filing of an answer is permissive rather than mandatory and that the court is

required to hold a trial on the petition regardless of whether an answer is filed. Because his answer was permissive and a trial was required, Bechthold was permitted to present a defense to Silvey's challenge to his qualifications during the required trial.

Opinion by: Lisa White Hardwick, Judge

September 20, 2016

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